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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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PENSION PLAN FOR PENSION TRUST
FUND FOR OPERATING ENGINEERS, et
al.,

Plaintiffs.

v.

BAXMAN GRAVEL COMPANY, INC., et
al.,

Defendants.

Case No. [13-cv-02734-JCS](#)

ORDER OF DISMISSAL

Re: Dkt. No. 26

The Court having been advised that the parties have agreed to a settlement of this case,
IT IS HEREBY ORDERED that this case is dismissed in its entirety with prejudice;
provided, however, that if any party hereto shall certify to this Court, within sixty (60) days, with
proof of service of a copy thereon to opposing counsel, that the agreed consideration for said
settlement has not been delivered over, the foregoing Order shall stand vacated and this case shall
forthwith be restored to the calendar to be set for trial.

IT IS SO ORDERED.

Dated: December 4, 2013


JOSEPH C. SPERO
United States Magistrate Judge